

Remarks/Arguments

Favorable reconsideration of this application is requested.

By the present amendment, independent Claims 12 and 14 have been amended to be more precise and with respect to the preferred embodiment in Figures 16 through 19 as discussed beginning in paragraph [0098]. In particular, Claim 12 has been amended to include the bottom spherical seat 55' for the lower clamps of both of the first and second anchor screw assemblies which mates with the spherical shoulder 28' to allow the mating, pivoting and rotating 360° as defined in the last paragraph of this claim. Although the Examiner states that the cited patent No. 5,649,926 has a spherical shoulder 20, it is respectfully submitted that there is no spherical shoulder disclosed in that patent allowing the clamp portions to mate, pivot and rotate 360° with respect to each other.

In a similar manner, Claim 14 has been amended to specifically define the bottom spherical seat 55' to mate with the spherical should 28' of the head portion of the first screw. As noted above, the cited '926 patent does not have a mating spherical shoulder on the head portion of the screw which mates with the bottom spherical seat to allow the motion as described above, which is not possible with the design and structure of the fixation system disclosed in the '926 patent.

Accordingly, favorable reconsideration and allowance of Claims 5-7 and 14 along with allowed Claim 13, is requested.

A Notice of Allowance is earnestly solicited.

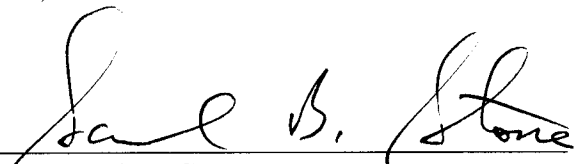
Applicant: Robert S. Howland
Appl. No.: 10/698,087
Examiner: Eduardo C. Robert
Docket No.: 703716.4001

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 150665.

Respectfully submitted,

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